

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 18-CR-0166-CVE</b>
	)	
<b>JOHN TERRY CHATMAN, JR.,</b>	)	
	)	
<b>Defendant.</b>	)	

**OPINION AND ORDER**

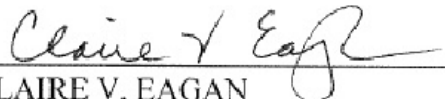
Now before the Court is defendant John Terry Chatman, Jr.’s objection to opinion and order (Dkt. # 57). Defendant was found guilty of three counts, including obstruction of justice by attempting to kill a witness in violation of 18 U.S.C. § 1512(a)(1)(C). Dkt. # 41. Defendant filed a motion for a new trial (Dkt. # 52). The Court issued an opinion and order (Dkt. # 55), denying defendant’s motion for new trial. The Court explained that the cases cited by defendant, United States v. Aquilar, 515 U.S. 593 (1995), and Arthur Anderson LLP v. United States, 544 U.S. 696 (2005), are inapplicable to § 1512(a)(1)(C), and that, instead, Fowler v. United States, 563 U.S. 668 (2011), provides the applicable standard for a conviction under § 1512(a)(1)(c). Dkt. # 55, at 4. The Court found that, pursuant to Fowler’s standard, defendant’s “newly discovered evidence” is immaterial to the principal issues in this case and is not of such a nature that, in a new trial, it would probably produce an acquittal. Id. at 4-5. Defendant now objects to the Court’s opinion and order. Dkt. # 57.

Defendant concedes that the Court appropriately denied defendant’s motion based on Aquilar and Arthur Anderson. However, due to “the possibility that plain error review might arise over whether Defendant objected to the application of *Fowler* to his case,” defendant filed his objection

to preserve “his position that neither *Fowler* nor its Circuit Court progeny support the conviction in this case.” Dkt. # 57, at 1.

**IT IS THEREFORE ORDERED** that the Court acknowledges that defendant has preserved his objection to the application of Fowler v. United States, 563 U.S. 668 (2011), and its Circuit Court progeny to this case.

**DATED** this 25th day of April, 2019.

  
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CLAIRE V. EAGAN  
UNITED STATES DISTRICT JUDGE